

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

M.C. and T.G., on behalf of themselves and all  
similarly situated individuals,

Plaintiffs,

v.

JEFFERSON COUNTY, NEW YORK;  
COLLEEN M. O'NEILL, as the Sheriff of  
Jefferson County, New York; BRIAN R.  
McDERMOTT, as the Undersheriff of Jefferson  
County; and MARK WILSON, as the Facility  
Administrator of Jefferson County Correctional  
Facility,

Defendants.

Case No. 6:22-cv-190 (DNH/ML)

**MOTION FOR CLASS CERTIFICATION**

PLEASE TAKE NOTICE THAT Plaintiffs in this action hereby moves the Court pursuant to Rule 23 of the Federal Rules of Civil Procedure for an order (a) certifying (i) a class of all non-pregnant individuals who are or will be detained at the Jefferson County Correctional Facility and had or will have prescriptions for agonist medication for opioid use disorder at the time of entry into Defendants' custody, as well as (ii) two subclasses, one each for class members subject to pretrial and postconviction custody, respectively; (b) appointing the above-named Plaintiffs as class representatives; and (c) appointing undersigned counsel as counsel for the class.

This motion is based on the attached Memorandum of Law; the declaration of Antony P.F. Gemmell in support of this Motion and all exhibits thereto; the declaration of Antony P.F. Gemmell in support of M.C.'s Order to Show Cause for a Temporary Restraining Order and

Preliminary Injunction, and all exhibits thereto; the declarations of M.C., T.G., and Richard N. Rosenthal, M.D., and all exhibits thereto; and the Class Action Complaint.

Pursuant to Local Rule 7.1(b)(5), Plaintiffs request oral argument. Plaintiffs believe oral argument may assist the Court in weighing the factual and legal questions at issue on this motion. Antony P.F. Gemmell, Terry T. Ding, or another of Plaintiff's counsel at the New York Civil Liberties Union Foundation, will argue this motion for Plaintiff.

Dated: March 1, 2022  
New York, New York

Respectfully submitted,

NEW YORK CIVIL LIBERTIES UNION  
FOUNDATION

/s/ Antony P.F. Gemmell  
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